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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
ORACLE AMERICA, INC., a Delaware  
corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**DECLARATION OF KEVIN PAPAY  
IN SUPPORT OF ORACLE'S  
SECOND MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

1 I, Kevin Papay, declare as follows:

2 1. I am an attorney at Bingham McCutchen, counsel of record in this action for  
3 Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp. (collectively,  
4 "Oracle"). I have personal knowledge of the facts set forth in this declaration and would  
5 competently testify to them if called upon to do so.

6 2. Attached as Exhibit A is a true and correct copy of an article authored by Renee  
7 Ferguson entitled "Oracle v. SAP: Rimini Street Weighs In," dated March 23, 2007, from  
8 Eweek.com.<sup>1</sup> Oracle printed the article from a link on Rimini Street's public website on May 13,  
9 2009, but it appears the article has since been removed.<sup>2</sup> The highlighting that appears on the  
10 Exhibit has been added to assist in identifying the information in the article relevant to Oracle's  
11 motion.

12 3. Attached as Exhibit B is a true and correct copy of an article authored by China  
13 Martens entitled "Oracle's SAP suit raises users' ethics concerns," dated March 26, 2007, that  
14 was published on ComputerWorld's website, computerworld.com, and is available at  
15 <http://www.computerworld.com.au/index.php/id;1627801114;fp;;fpid;;pf;1>. The highlighting  
16 that appears on the Exhibit has been added to assist in identifying the information in the article  
17 relevant to Oracle's motion.

18 4. Attached as Exhibit C is a true and correct copy of an article authored by Angela  
19 Eager entitled "SAP admits some Oracle downloads in hacking lawsuit," dated June 2007, that  
20 was published by Computer Business Review and is available at [http://cbr.co.za/article.aspx?](http://cbr.co.za/article.aspx?pklaarticleid=4562)  
21 [pklaarticleid=4562](http://cbr.co.za/article.aspx?pklaarticleid=4562). The highlighting that appears on the Exhibit has been added to assist in  
22 identifying the information in the article relevant to Oracle's motion.

23 5. Attached as Exhibit D is a true and correct copy of an article authored by Renee  
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25 <sup>1</sup> See [http://blogs.eweek.com/enterprise\\_apps/content001/oracle\\_vs\\_sap\\_rimini\\_street\\_weighs\\_in.html](http://blogs.eweek.com/enterprise_apps/content001/oracle_vs_sap_rimini_street_weighs_in.html) (no longer available).

26 <sup>2</sup> See [http://www.riministreet.com/news\\_articles.php](http://www.riministreet.com/news_articles.php), summary of March 23, 2007 article with  
27 broken link.  
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1 Boucher Ferguson entitled “TomorrowNews Fate Wont Ruin Third-Party App Support,” dated  
2 November 20, 2007, that was published on eWeek’s website, eweek.com, and is available at  
3 [http://www.eweek.com/c/a/Enterprise-Applications/TomorrowNews-Fate-Wont-Ruin-](http://www.eweek.com/c/a/Enterprise-Applications/TomorrowNews-Fate-Wont-Ruin-ThirdParty-App-Support/)  
4 [ThirdParty-App-Support/](http://www.eweek.com/c/a/Enterprise-Applications/TomorrowNews-Fate-Wont-Ruin-ThirdParty-App-Support/). The highlighting that appears on the Exhibit has been added to assist  
5 in identifying the information in the article relevant to Oracle’s motion.

6 6. Attached as Exhibit E is a true and correct copy of an article authored by J.  
7 Bonasia entitled “Oracle-SAP Legal Fight Blackens 3rd Party’s Eye; But Attention May Help;  
8 Suit vs. TomorrowNow hurts reputation of the third-party-support field,” dated December 12,  
9 2007, originally published by Investor’s Business Daily, which Oracle downloaded from the  
10 LexisNexis electronic portal on October 20, 2012. The highlighting that appears on the Exhibit  
11 has been added to assist in identifying the information in the article relevant to Oracle’s motion.

12 7. Attached as Exhibit F is a true and correct copy of an article authored by Jon  
13 Franke entitled “Rimini Street CEO addresses SAP TomorrowNow rumors,” dated December  
14 13, 2007, that was published on SearchSAP’s website, searchsap.techtarget.com, and is available  
15 at [http://searchsap.techtarget.com/news/1286065/Rimini-Street-CEO-addresses-SAP-](http://searchsap.techtarget.com/news/1286065/Rimini-Street-CEO-addresses-SAP-TomorrowNow-rumors)  
16 [TomorrowNow-rumors](http://searchsap.techtarget.com/news/1286065/Rimini-Street-CEO-addresses-SAP-TomorrowNow-rumors). The highlighting that appears on the Exhibit has been added to assist in  
17 identifying the information in the article relevant to Oracle’s motion.

18 8. Attached as Exhibit G is a true and correct copy of an article authored by  
19 Courtney Bjorlin entitled “With no tomorrow for TomorrowNow, third-party support still in  
20 demand,” dated August 19, 2008, that was published on SearchSAP’s website,  
21 searchsap.techtarget.com, and is available at [http://searchsap.techtarget.com/news/1326024/](http://searchsap.techtarget.com/news/1326024/With-no-tomorrow-for-TomorrowNow-third-party-support-still-in-demand)  
22 [With-no-tomorrow-for-TomorrowNow-third-party-support-still-in-demand](http://searchsap.techtarget.com/news/1326024/With-no-tomorrow-for-TomorrowNow-third-party-support-still-in-demand). The highlighting  
23 that appears on the Exhibit has been added to assist in identifying the information in the article  
24 relevant to Oracle’s motion.

25 9. Attached as Exhibit H is a true and correct copy of an article authored by Mary  
26 Hayes Weier entitled “Oracle Sees A Threat In Rimini Street,” dated September 1, 2009, that  
27 was published on InformationWeek’s website, informationweek.com, and is available at  
28 <http://www.informationweek.com/global-cio/interviews/oracle-sees-a-threat-in-rimini->

1 street/229204798. The highlighting that appears on the Exhibit has been added to assist in  
2 identifying the information in the article relevant to Oracle's motion.

3 10. Attached as Exhibit I is a true and correct copy of an article authored by Mark  
4 Veverka entitled "An Emerging Threat to Oracle and SAP," dated September 28, 2009,  
5 originally published by Dow Jones & Co., Inc., which Oracle downloaded from the LexisNexis  
6 electronic portal on October 20, 2012. The highlighting that appears on the Exhibit has been  
7 added to assist in identifying the information in the article relevant to Oracle's motion.

8 11. Attached as Exhibit J is a true and correct copy of Oracle Deposition Exhibit  
9 1578A, which was introduced during the December 16, 2011 Rule 30(b)(6) deposition of Brian  
10 Slepko.

11 12. Attached as Exhibit K is a true and correct copy of Oracle Deposition Exhibit  
12 462, which was introduced during the September 27, 2011 deposition of John Whittenbarger.

13 13. Attached as Exhibit L is a true and correct copy of Oracle Deposition Exhibit 956,  
14 which was introduced during the November 18, 2011 deposition of Seth Ravin.

15 14. Attached as Exhibit M is a true and correct copy of relevant excerpts of the  
16 transcript of the November 18, 2011 deposition of Seth Ravin.

17 15. Attached as Exhibit N is a true and correct copy of relevant excerpts of the  
18 transcripts of the December 14, 2011 deposition of Tracy Black.

19 16. Attached as Exhibit O is a true and correct copy of relevant excerpts of the  
20 transcripts of the October 12, 2011 deposition of Graham Carter.

21 17. Attached as Exhibit P is a true and correct copy of relevant excerpts of the  
22 transcripts of the September 1, 2011 deposition of Timothy Conley.

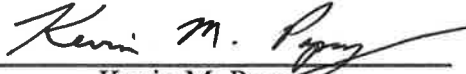
23 18. Attached as Exhibit Q is a true and correct copy of relevant excerpts of the  
24 transcripts of the December 16, 2011 deposition of Alecia Holmes.

25 19. Attached as Exhibit R is a true and correct copy of relevant excerpts of the  
26 transcript of the December 1, 2011 deposition of Paul Simmons.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct and that this declaration was executed at San Francisco, California on October  
3 26, 2012.

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